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PHILIP MILLS JONES, M. D., Secretary and Editor
PUBLICATION COMMITTEE

George H. Evans, M. D. A. B. Grosse, M. D.
W. Francis B. Wakefield, M. D. Harry M. Sherman, M. D.

ADDRESS ALL COMMUNICATIONS

Secretary State Society, 2210 Jackson Street,
State Journal, San Francisco.
Official Register,

Telephone, West 5975.

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EDITORIAL NOTES.

Considerable interest seems to have been aroused by a decision recently handed down in the District Court of Appeal, Second District, at Los Angeles. Dr. James T. Arwine applied to the Board of Examiners for a license to practice in this State. There seems to have been some delay in the investigation of his credentials, or in acting upon them; at any rate he was permitted to take the examination at Los Angeles July 19-21. The applicant held a diploma from the University of the South, Tennessee, which the board states was issued after but three years of medical study, no credit for one year being due the applicant as under the rules of the Association of American Medical Colleges. Referring to this point, the learned justices state, in their opinion:

"We are of the opinion, however, that the effect of this particular provision of the act is to delegate to the Association of American Medical Colleges the function of determining from year to year the conditions upon which physicians may be admitted to practice in this State; that this is a legislative function vitally affecting the rights of physicians to practice here and the rights of the people to avail themselves of the services of competent practitioners; and that it was not within the constitutional powers of the legislature to delegate such functions to the board."

The court ordered the board to issue the license as prayed. The board, however, asked for a rehearing of the case, introducing a portion of the

decision of the Supreme Court in the case *ex parte* Gerino. The District Court of Appeal refused the request for rehearing and we understand that the board is to appeal the case to the Supreme Court.

In view of the close resemblance of this decision to that handed down by the Supreme Court, already referred to as the case *THE GERINO ex parte Gerino*, it would seem to be not amiss to quote the salient portion of that now celebrated decision.

"It being proper for the legislature to demand some standard of efficiency, as we have seen, we think it equally within its powers to declare that it shall be the same as that required by an association composed of colleges devoted to the work of preparing persons for the profession. Evidently the standard of proficiency in scholarship as a preparation, and the particular studies necessary to secure a fair preparation, must change as the discoveries in natural science open new fields of investigation and suggest or reveal new curative agencies. The legislature can not successfully prescribe in advance a standard to meet new and changing conditions. The method adopted appears to be sufficiently definite to enable all colleges to reach the required standard when in good faith they desire to do so. The law is as fixed, definite, and certain in this respect as the nature of the subject and the object to be attained will permit, and we do not think it should be held void because it adopts the standard fixed from time to time by those who, it will be presumed, are the most eminent in the profession which it attempts to regulate, and who should be the most interested in maintaining the highest degree of professional proficiency, skill, and training."

It is seldom safe for a mere lay outsider to venture an opinion upon the law, when lawyers and jurists themselves can not agree upon its various meanings and intents. Nevertheless, we must confess to a feeling of extreme bewilderment! The Supreme Court of the State says that the legislature has the constitutional right to delegate its powers of fixing certain standards or requirements; the District Court of Appeal says that the legislature has not this right! This would seem to be a severe rebuke to the Supreme Court for so hastily handing down its opinion on this point, a few years ago. But it leaves us entirely in doubt as to which set of eminent jurists is right and which set is wrong! And now the matter will go to the Supreme Court again, and again it will have an opportunity of thinking the matter over. Will it change its mind? Even the Supreme Court of the United States has, if memory serve, reversed itself in bygone years. But whatever may be the ultimate outcome of this particular question, the

balance of the law remains; if it be found that this portion of the law is not in accord with the powers of the legislature, then it will be "up to" the legislature to change that portion of the law and to

say how the standard of requirements shall be fixed. Let us not worry about the matter unduly; let us wait and see what needs must be done when the point has been finally decided.

At the coming session of the legislature, a bill appropriating sufficient money for the establishment

TUBERCULOSIS SANATORIUM.

of a State Sanatorium for the Treatment of Curable Cases of Tuberculosis, is to be introduced. Our readers will doubtless recall that, under the auspices of the California Club, of San Francisco, and with the endorsement of the Committee on Tuberculosis of the State Society, a similar measure was passed by the legislature in 1905, but was vetoed by the Governor. We have not seen a copy of the bill it is intended to introduce at the coming session, but it is probably similar to the one of two years ago. It is in every way to be commended. To physicians, it seems hardly necessary to call attention to the great economic value of proper care and treatment of those so unfortunate as to be the victims of this disease. Statistics gathered by our German confreres show that, if taken in the early stages, and if these hopeful victims are subjected to the outdoor sanatorium treatment, only very few succumb to the disease. In Germany, we understand, the life insurance companies have recognized the truth of these facts and have established proper sanatoria for the treatment of those of their insured who may become tuberculous, finding it cheaper to properly care for them and cure them, than to pay death benefits. And surely, if any State needs such an institution it is California, whose chiefest city enjoys the proud distinction of having the highest death rate from tuberculosis of any in the land. Let us by all means do everything in our power to aid the California Club in its efforts to secure the establishment of a State Sanatorium.

It is indeed difficult to arrive at a satisfactory determination of the editorial and business attitude of this peculiar medical publication, *American Medicine*. It was

AMERICAN MEDICINE.

founded with the ostensible purpose of fighting nostrum abuses and freeing a trammelled and chained profession. Yet its advertising pages became so open to criticism, and the criticism was so marked and pronounced, that something had to be done. About a year ago it was stated that it could not afford to continue as a weekly publication and refuse some of the questionable advertising from which it derived a goodly portion of its income. At a meeting of stockholders, it was decided to "be decent," to throw out this money with the scarlet tint, and to make the publication a monthly, with clean advertising pages. The great mass of the progressive element in the profession, many of them stockholders in *American Medicine*, have become keenly alive to the very grave conditions existing in the profitable business of supplying sanguine physicians with cheap (?) remedies of unknown or worthless composition. This much-to-be-desired awakening has

come through the inestimable services of the Council on Pharmacy and Chemistry of the A. M. A. The reports of this Council, as published in the *Journal A. M. A.* from time to time, have furnished an object lesson of the fact that it was high time such an energetic cleaning up was begun. Naturally, the questionable interests being injured by this truth-telling would like redress and would in turn try to attack or to injure the Association and especially its Council. These attacks have been many and some of them have been noted in our pages. We did not, however, expect ever to see *American Medicine* organized to fight the enemies of true medicine, lining up with the enemy, taking its place with the defenders of nostrums, and casting nasty insinuations against the Association, its *Journal* and its Council. This is indeed a bitter pill to swallow. And it is not enough that we are given this unpleasant dose to take; there is yet a worse. Casual inspection of the advertising pages of the very number of *American Medicine* in which the *Journal of the A. M. A.* is referred to as "yellow" and taken to task for printing the illuminating reports of the Council, shows that the wishes of the stockholders have been ignored. If there is any difference in the character of the advertising formerly condemned by the stockholders and that in the issue for October, 1906, it is not apparent. Here we find Gray's tonic; Labordine; Viburnum compound; vapo-cresolene; anasarcine (no longer advertised as "a cure for dropsy," however); antiphlogistine; papayans Bell (this is apparently the same concern that formerly put out an acetanilide mixture under the false claim that it was a definite chemical under the name salacetine, made into tablets called "sal-codeia, Bell"); Tyree's powder (recently shown by the Council to have been travelling under a disguised formula—to put it mildly); resinol (widely advertised to the general public); and last, but not least, our old friend "California fig syrup," which to the laity is held out as a preparation of figs, and to medical men as a preparation of senna.

Other journals have attacked the Association, its *Journal* and the Council on Pharmacy; other journals will continue to do so, and in

OTHER PLANS.

other ways. Be assured that the interests opposing this present movement to try and secure simple honesty in the making and marketing of remedies intended for physicians' use, are very numerous and very rich and, moreover, are in the habit of doing their work in "ways that are dark"; indeed, they naturally shun the light. For the first time in the history of this country, a considerable number of physicians have gotten together in the formation of medical societies and in supporting the American Medical Association. For the first time in our history it is possible for any considerable number of us to know what is being done and to participate in any particular kind of work or undertaking. So long as that condition remains, so long as the A. M. A. and our component societies remain strong and active, the members taking an intelligent in-